

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FILED

OCT 06 2011

PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

UNITED STATES OF AMERICA,

CR 11-21-BU-DWM

Plaintiff,

vs.

**FINDINGS & RECOMMENDATION
CONCERNING PLEA**

DAVID SCOTT FROST,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 (Count I), and three counts of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Counts XXII, XXIII, and XXVI), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II through XXI, and Counts XXIV and XXV of the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,
2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,

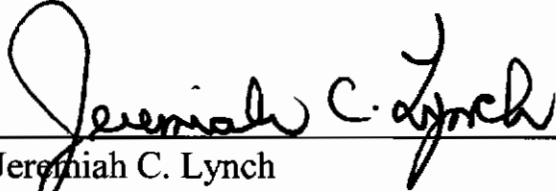
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That the pleas of guilty are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I, XXII, XXIII, and XXVI of the Indictment, and that sentence be imposed. I further recommend that Counts II through XXI, and Counts XXIV and XXV of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 6th day of October, 2011.


Jeremiah C. Lynch
United States Magistrate Judge